

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7747

BILL NUMBER: SB 428

NOTE PREPARED: Jan 14, 2003

BILL AMENDED:

SUBJECT: Habitual Offenders.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill provides that a person may be found to be a habitual offender only if the person commits a violent felony. It specifies that a violent felony is a crime against the person, certain types of arson, burglary of a dwelling or while armed, resisting law enforcement while armed, escape while armed, rioting while armed, or any other felony that results in serious bodily injury.

Effective Date: July 1, 2003.

Explanation of State Expenditures: This bill potentially reduces the amount of time that certain offenders would remain in Department of Correction (DOC) facilities if the habitual offender sentencing is restricted to violent felonies.

Under current law, offenders with two prior unrelated felony convictions are required to serve an additional sentence if they are convicted of a third prior unrelated felony. This third felony is called the underlying offense. The minimum sentence is not less than the presumptive sentence for the underlying offense. The maximum sentence is the lesser of either three times the presumptive sentence or 30 years. (IC 30-50-2-8(e)).

The following table shows the minimum and maximum enhanced sentences under current law.

<u>Felony</u>	<u>Added Sentence for Third Felony Under Habitual Offender Statute</u>	
	<u>Minimum Sentence</u>	<u>Maximum Enhanced Sentence</u>
Class D	1.5 years	4.5 years
Class C	4 years	12 years
Class B	10 years	30 years
Class A	30 years	30 years

Exempting these offenders potentially reduces the number of offenders who serve longer sentences. Of the offender population in DOC facilities as of January 10, 2003, 1,397 offenders received an habitual offender enhancement.

For FY 2001 and FY 2002, the number of offenders committed to DOC as habitual offenders and the number of offenders who are exclusively violent are shown below:

Offenders Committed As:	FY 2001	FY 2002
Habitual Offender	263	265
Violent Habitual Offender	96	96
Percent Violent	37%	36%

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction.

Fiscal Analyst: Mark Goodpaster, 317-232-9852